



## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** July 2, 2010

**SUBJECT:** Extension Request – PUD Case 03-12J / 03-13J Capper Carrollsburg Community Recreation and Child Development Center

## **RECOMMENDATION**

The Office of Planning (OP) recommends the Commission approve the requested two year extension. OP encourages the D.C. Housing Authority (DCHA) to consider the provision of interim youth and elderly recreation space/activities in response to concerns expressed by the Capper/Carrollsburg residents.

<b>Applicant:</b>	Capper / Carrollsburg Venture LLC & D.C. Housing Authority
<b>Address:</b>	NE Corner of 5 <sup>th</sup> and L Streets, SE (Square 881W)
<b>Ward / ANC</b>	Ward 6, Within ANC 6D; adjacent to ANC 6B, which has also been a Party
<b>Project Summary:</b>	35' high, 28,000 GSF community recreation and child development center (the Center) serving 33 acre Hope VI project in near southeast Washington
<b>Order Effective Date:</b>	Original Order effective October 8, 2004: Extension Order 03-12 I/ 03-13 I effective June 26, 2009
<b>Previous Extension:</b>	One
<b>Order Expiration Date:</b>	July 1, 2010
<b>Requested Extension Period</b>	2 years (File building permit by 07/01/12; begin construction by 07/01/13)



**Figure 1. Site of Future Capper/Carrollsburg Community Recreation and Child Development Center**

## **EVALUATION OF THE EXTENSION REQUEST**

Section 2408.10 allows for the extension of a PUD for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that the following requirements are met:



- (a) **The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

*The application was submitted to the Zoning Commission on May 28, 2010 and has been in the public record since filing.*

- (b) **There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the commission's justification for approving the original PUD.**

**Zoning Regulations:**

*There has been no substantial change to the Zoning Regulations that would affect the approved project.*

**Comprehensive Plan:**

*There has been no substantial change to the Comprehensive Plan that would affect the approved project.*

**Surrounding Development:**

*The PUD buildings to the north and west of the proposed Center have been constructed, providing additional justification for the Commission's original approval of the Center.*

- (c) **The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in § 2408.11.**

The applicant meets the good cause conditions in §§ 2408.11(a) and (b)

§ 2408.11 (a) "An inability to obtain sufficient project financing for the planned unit development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control."

§ 2408.11 (b) "The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order"

*The application includes a May 28, 2010 letter from Adrienne Todman, Interim Executive Director of the District of Columbia Housing Authority (DCHA or the Authority), stating that although the City Council has given DCHA authority to issue up to \$55 million in Payment In Lieu Of Taxes (PILOT) bonds to help fund projects including the Center, the Authority has been unable to issue those bonds due to generally unfavorable economic conditions. Other Hope VI-related monies, notes or grants have been restricted to use for other aspects of the project: \$29 million in bond anticipation notes (BANS) was required to repay private financing debt and to pay for infrastructure for the overall project; a \$9.5 million federal stimulus grant was restricted to helping construct 47 public housing units and 116 low to market rate units. DCHA anticipates that in three years, between an improving economy and the proceeds from sales of the market rate units that help to subsidize the public units, the Authority will be able to issue the bonds that will pay for the Center.*

Section 2408.11 (b) "An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control;" *is not applicable.*

ANC 6D voted on June 14, 2010 to recommend approval of the extension request. ANC 6B, which is an adjacent ANC that has been granted Party status in cases involving this PUD, voted on June 8, 2010 to support the time extension request.